

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT FORM COMPLAINT FOR DAMAGES FOR INDIVIDUAL CLAIMS AND DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Margaret B. Buxbaum

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Bennett J. Buxbaum

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

## Florida

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

## Florida

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

## Florida

7. District Court and Division in which venue would be proper absent direct filing:

## Florida Middle District Court

8. Defendants (check Defendants against whom Complaint is made):

 C.R. Bard Inc.

 Bard Peripheral Vascular, Inc.

## 9. Basis of Jurisdiction:

## Diversity of Citizenship

Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master  
Complaint:

1 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a  
2 claim (Check applicable Inferior Vena Cava Filter(s)):

3  Recovery® Vena Cava Filter  
4  G2® Vena Cava Filter  
5  G2® Express (G2®X) Vena Cava Filter  
6  Eclipse® Vena Cava Filter  
7  Meridian® Vena Cava Filter  
8  Denali® Vena Cava Filter  
9  Other: \_\_\_\_\_

10 11. Date of Implantation as to each product:

11 August 23, 2010

12 12. Counts in the Master Complaint brought by Plaintiff(s):

13  Count I: Strict Products Liability – Manufacturing Defect  
14  Count II: Strict Products Liability – Information Defect (Failure to  
15 Warn)  
16  Count III: Strict Products Liability – Design Defect  
17  Count IV: Negligence - Design  
18  Count V: Negligence - Manufacture  
19  Count VI: Negligence – Failure to Recall/Retrofit  
20  Count VII: Negligence – Failure to Warn  
21  Count VIII: Negligent Misrepresentation  
22  Count IX: Negligence *Per Se*

1                    Count X:   Breach of Express Warranty

2                    Count XI:   Breach of Implied Warranty

3                    Count XII:   Fraudulent Misrepresentation

4                    Count XIII:   Fraudulent Concealment

5                    Count XIV:   Violations of Applicable GeorgiaFlorida Law Prohibiting  
6                   Consumer Fraud and Unfair and Deceptive Trade Practices

7                    Count XV:   Loss of Consortium

8                    Count XVI:   Wrongful Death

9                    Count XVII:   Survival

10                   Punitive Damages

11                   Other(s):   All claims for Relief set forth in the Master Complaint for  
12                  an amount to be determined by the trier of fact including for the  
13                  following: (please state the facts supporting this Count in the space  
14                  immediately below)

15                  On August 23, 2010, Ms. Buxbaum had a Bard Eclipse filter installed  
16                  into her inferior vena cava. As a result Ms. Buxbaum has the Buxbaums  
17                  have suffered damages in an amount to be proven at trial.

---

18  
19                  13.   Jury Trial demanded for all issues so triable?

20                   Yes

21                   No

1 RESPECTFULLY SUBMITTED this ~~18th~~ day of May, 2016.

2 **GALLAGHER & KENNEDY, P.A.**

3 By: /s/ Robert W. Boatman

4 Robert W. Boatman

5 Mark S. O'Connor

6 Paul L. Stoller

7 Shannon L. Clark

8 C. Lincoln Combs

9 2575 East Camelback Road

10 Phoenix, Arizona 85016-9225

11 *Attorneys for Plaintiffs*

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on this ~~18th~~ day of May, 2016, I electronically transmitted the  
14 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal  
15 of a Notice of Electronic Filing.

16 /s/Deborah Yanazzo